



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

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Board of Health Meeting Minutes
Wednesday, November 1, 2017
BOH Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer; Padraig Martin, Lead Health Compliance Officer; Jessica Kerr, Public Health Nurse

Others in Attendance: Lauren Dexter, On-site Manager for Not Your Average Joe's, Seth Caplan, Regional Director for Not Your average Joe's, and Dan O'Boyle, CS Ventilation, (contractor for Not Your Average Joe's); Sarah Benson (Regis College)

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to accept the September 13, 2017 meeting minutes as submitted.

Vote: 3 – 0 (Unanimously) in favor of the motion

Hearing: Not Your Average Joe's – Repeat Violations – Exhaust Hood

Inspector Kylee Sullivan informed the Board that the exterior exhaust system at Not Your Average Joe's located at 645 Massachusetts Avenue has been actively leaking grease for approximately 6 months. She stated that this issue is a violation of the 1999 Federal Drug Administration (FDA) Food Code and Massachusetts Public Health Nuisance Law, additionally this issue poses a potential fire hazard. Inspector Sullivan stated she met with representatives of Not Your Average Joe's on June 5th regarding this matter. Continued contact throughout the summer did not result in any evidence of successfully addressing this issue, and an order letter was sent to the President of the organization on August 2nd requesting the violation be brought into compliance within fourteen days. Inspector Sullivan provided a copy of the order letter, as well as pictures of the violation.

Mr. Seth Caplan, Regional Director, addressed the Board and stated Not Your Average Joes has tried to do the best they can with an abundance of caution. He reported he became the Regional Director of this location on May 1st, 2017. He confirmed he met with Representatives from the Health Department in June and presented the e-mail chain with communications made. He stated this issue was first brought to the attention of the establishment due to Rodent Control issues in that area. He stated that Not Your Average Joe's worked with the town regarding the rodent issues, and removed a trash chute in the back at a cost of \$10,000, and increased and changed pest control companies at the recommendation of the Health Department. He further stated in an effort to seal the external leaks they worked with CS Ventilation to apply a Sealant to the external duct work which was an economical way to address the problem, but unfortunately it did not work. He stated they increased cleaning of the exhaust system from 4 times per year to 6 times per year, and said they are 100% committed to resolving this matter. Mr. Caplan stated he received several quotes for replacing the exhaust system, both internally and/or externally, and after an evaluation of the entire system, they have decided to replace only the exterior duct work, but stated that will resolve the violation. He informed the Board the cost of this work will be \$23,000 - \$25,000. He reported it will take 4-5 weeks to receive the custom duct work and materials to complete the job, and asked if the Board would consider an extension to January 2nd or 3rd, whereas it is a busy time of year, and the scope of work would require a shut down of 2 days to complete the project.

Mr. Kohlberg inquired that if grease can be a fire hazard, why it has taken over 6 months to resolve the matter. Mr. Caplan stated they clean the hoods regularly, and the grease is leaking externally, not internally.

Director Waden stated that she spoke with the Deputy Chief Jonh Kelly of the Arlington Fire Department, and he agreed that the matter, which was brought to his attention by the Health Department serves as a potential fire hazard. She further stated that this issue is a public health nuisance violation as the pooling of grease outside has the potential to attract rodents, insects, and cause foul odors.

A Motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to support the recommendation of Inspector Kylee Sullivan to enforce a deadline of December 15, 2017 to complete the project to replace the exterior duct work at Not Your Average Joe's to correct the violation. Inspector Sullivan will provide an update to the Board as to the progress made at the December 6, 2017 Board of Health Meeting.

Vote: Motion Approved 3 – 0 in favor of the motion (Unanimously)

Discussion: Adoption of Food and Drug Administration (FDA) 2013 Food Code

Director Waden informed the Board that she would like to table this discussion to the December 6th meeting, to provide an opportunity to reach out to all food establishments and hold two (2) informational presentations which are scheduled for November 6th and 7th regarding changes to the 2013 Food Code. Any questions and comments can be submitted to the Board prior to the December 6th meeting, and comments will also be heard at the December 6th meeting. Director Waden stated it will take a full year to roll out the program to implement the 2013 Food Code.

Discussion: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products

Director Waden informed the Board that she held several discussions with D.J. Sullivan, and after taking into careful consideration information from the Mass Municipal Association regarding recommendations for data, Director Waden does not recommend reducing further the number of Tobacco and Nicotine Delivery Products Permits allowed within Arlington. Further discussion took place regarding a policy for removing waiting lists for permits

Discussion: Schedule of 2018 BOH Meeting Dates

- January 31, 2018
- April 11, 2018
- May 23, 2018
- June 20, 2018
- September 12, 2018
- October 24, 2018
- December 5, 2018

Meetings to begin at 5:30 pm

Location: Ground Floor Conference Room, 27 Maple Street, Arlington

Environmental Updates:

Inspector Sullivan informed the Board that she attended the Rodent Control Academy in New York City. She stated she is confident in what Arlington is doing to address the increase in rodent activity. Inspector Sullivan addressed the concern previously raised by Mr. Kohlberg that recycling may contribute to rodent activity. She stated that New York City does not believe there is a correlation to recycling, and just recently received \$32 Million to initiate a Rodent Control Plan. As part of this plan they will be rolling out plans to encourage residents to recycle more.

Restaurant Updates

Inspector Kylee Sullivan provided the following updates:

- Plan Review received for Dunkin Donuts – Conditional Approval
- Mamadous – No progress to report
- The Green Light – Plan Review Received – Pre-Operational Inspection on Friday November 3, 2017
- 478 Mass Avenue (formerly Eltons) – Plan Review Received
- Subway has closed – no information available

Public Health Nurse Updates

Jessica Kerr, Public Health Nurse, reported that flu clinic season is well underway. Flu vaccination clinics have been held at all senior housing buildings, as well as, 3 Elementary Schools. To date all clinics have been very successful, and should the remaining clinics will be completed by the end of November. This year electronic forms have been designed for all of the public schools, which takes the burden off the school staff and nurses in organizing the paperwork and clinics. Additionally, this year we have been able to offer vaccinations to all teachers and school staff, which has been well received. Although MRC volunteer number have been low this year, Ms. Kerr stated that the core group of volunteer nurses and our administrative team has been extremely strong.

Ms. Kerr reported that all flu clinics, are held as Emergency Preparedness drills.

Director Updates

Director Natasha Waden introduced Padraig Martin as the new Lead Health Compliance Officer for the Health Department.

Public Comment

None

Meeting was adjourned at 6:42 pm